

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LEWIS DEWANE BROWN,

Plaintiff,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:22-cv-00216-JLT-SAB

ORDER GRANTING MOTION FOR
EXTENSION OF TIME TO COMPLETE
SERVICE AND CONTINUING
SCHEDULING CONFERENCE

(ECF Nos. 6, 7)

Plaintiff Lewis Dewane Brown, individually and on behalf of all others similarly situated, filed this action on February 21, 2022. On February 22, 2022, an order issued setting the mandatory scheduling conference for May 23, 2022. On May 10, 2022, the Court issued an order requiring Plaintiff to provide a status report as to the status of service in this action. (ECF No. 6.) On May 16, 2022, Plaintiff filed a status report that includes a request for an extension of time to completed service under Federal Rule of Civil Procedure 4(m).

Rule 4(m) provides that “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). “But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Id.

In the filing, Plaintiff proffers he has not served the complaint in this action because he is

1 adding causes of action under federal and state false claims acts, and these claims need to be
2 rejected by the corresponding prosecutorial agencies before such claims can be added. Further,
3 Plaintiff proffers public records requests for information are pending, and that information will
4 be presented to the prosecutorial agencies. Plaintiff requests the deadline to complete service be
5 extended for a period of 120 days. The Court finds good cause to grant the requested extension,
6 and will continue the mandatory scheduling conference to accommodate the extension. Fed. R.
7 Civ. P. 4(m); Fed. R. Civ. P. 16(b).

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Plaintiff's motion for an extension of time to complete service pursuant to Fed. R.
10 Civ. P. 4(m) is GRANTED;
- 11 2. The deadline for Plaintiff to complete service on Defendants shall be extended
12 until 120 days after entry of this order;
- 13 3. The scheduling conference currently set for May 23, 2022, is CONTINUED to
14 December 6, 2022, at 9:30 a.m. in Courtroom 9; and
- 15 4. The parties shall file a joint scheduling report seven (7) days prior to the
16 scheduling conference.

17 IT IS SO ORDERED.

18 Dated: May 17, 2022

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20 UNITED STATES MAGISTRATE JUDGE